



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



258643

JUN 19 1996

REPLY TO THE ATTENTION OF:
SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward C. Fitzhenry, Jr.
Lueders, Robertson and Kozen
P.O. Box 735
1939 Delmar Ave.
Granite City, IL 60240

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the NL/Taracorp Superfund Site in Granite City,
Illinois.

Dear Mr. Fitzhenry:

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) ("CERCLA", as amended), authorizes the United States Environmental Protection Agency (U.S. EPA) to require any person who has or may have information relevant to: the identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility; the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant from a facility; or the ability of a person to pay for or perform a clean-up, to furnish such information upon reasonable request. You are a person who may have such information.

The U.S. EPA is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the NL/Taracorp Superfund Site, located at Granite City, Illinois, hereinafter referred to as the "Site".

Pursuant to the authority of Section 104(e) of CERCLA, you are hereby requested to respond to the questions enclosed with this Request for Information within seven (7) days of receipt of this letter. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within seven (7) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section

104(e) (5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Information Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Request for Information is directed to the City of Granite City, its officers, employees, and its contractors. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Request for Information should be mailed to:


U.S. Environmental Protection Agency,
Superfund Division (SR-6J)
77 W. Jackson Blvd.
Chicago, Illinois 60604
Attention: Brad Bradley

Please direct any legal questions you may have to Sean Mulroney at (312) 886-7150. If you have any other questions, you may contact Brad Bradley at (312) 886-4742 or Sheri Bianchin (312) 886-4745.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,


James Nayka, Chief
Remedial Response Branch #2
Superfund Division

Enclosure

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Request for Information.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Request for Information on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all persons who may have knowledge with respect to this request. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R.

2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "cleanup level" as used herein shall mean the U.S. EPA selected residential soil lead clean-up level of 500 parts per million (ppm) to protect human health and the environment as documented in the Record of Decision.
2. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
3. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
4. "The Site" or "The Facility" shall mean and include the entire property as defined in the Record of Decision.
5. The terms "provide", "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
6. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. As used here, "documentation", "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

10. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

11. As used herein, the "Record of Decision or ROD" is the decision document issued on March 1990 to document the selected remedy at NL/Taracorp Superfund Site. The ROD was supplemented with a Decision Document/ Explanation of Significant Differences on September 29, 1995.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Information Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Provide all underlying data and documentation gathered and/or developed in conjunction with the Traffic Report prepared by Crawford, et al. submitted to U.S. EPA on January 11, 1995, as Attachment 5 to Granite City's comments on the clean-up level.
5. Provide all underlying data, documentation and questionnaires gathered, developed or used with the Economic Assessment of the Proposed Clean-up prepared by Dr. Hewings submitted to U.S. EPA on January 11, 1995, as Attachment 7 to Granite City's comments on the clean-up level.
6. Identify and provide all analysis, results, data and/or documentation gathered or developed with respect to the April 1996 report by R. Bornschein entitled "The Effectiveness of Soil Removal on Land Exposure in Granite City." Such analysis, results, data and/or documentation should include, but not be limited to, the following:
 - A) the key to the data set in Appendix B;
 - B) the Illinois Department of Public Health paint lead measurements and addresses used by Dr. Bornschein as described in Section 3.2 on page 5 of the report;
 - C) the exact locations of the sampling done for the report, including any maps;
 - D) the dates and times each sample was collected;
 - E) any documents reflecting homeowner interviews; and
 - F) any data collected, but not used, for the report.

7. Identify and provide all epidemiological and environmental sampling analysis, results, data and/or documentation, with corresponding addresses and locations, developed with respect to the 1991 Illinois Department of Public Health Blood Study. Also, provide any maps illustrating the information requested herein.

8. Identify and provide all analysis, results, data and/or documentation gathered or developed for any purposes with respect to the lead contamination in Granite City.

bcc: B. Bradley ✓
S. Bianchin
S. Mulroney, ORC (CS-29A)
L. Gelman, DOJ
J. Grady, DOJ